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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/788,661

02/26/2004

Christopher W. Blackburn

1842.021US1

3601

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04/10/2008

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EXAMINER

DEODHAR, OMKAR A

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

04/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/788,661	Applicant(s) BLACKBURN ET AL.	
	Examiner Omkar A. Deodhar	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/29/2005, 9/20/2007, 3/3/2008, 3/14/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Final Rejection

Information Disclosure Statement

Signed copies of Applicant submitted IDS forms are provided with this Office Action.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-36 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-31 of copending Application No. 10/788,902. Although the conflicting claims are not identical, they are not patentably distinct from each other because both inventions appear to be directed towards similar methods for providing gaming services.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Response to Amendment

Applicant's request for withdrawal of the Restriction Requirement has been granted.

Applicant's claims appear to be directed towards a gaming management service that provides configuration updates to gaming machines on a gaming network. A discovery agent receives service information for the service and after determining that the service is authentic and authorized, the service information is made available on the network, and services requests are processed so as to provide configuration updates to the gaming machines.

The Examiner's position is that Gatto does disclose these limitations, as explained below in the Response to Arguments.

Response to Arguments

Applicant's arguments have been fully considered, but are not persuasive to overcome the rejection in view of Gatto for the following reasons:

Applicant argues that Gatto fails to disclose a service sending service information about a gaming management service to a discovery agent on a gaming network and determining by the discovery agent if the service is authentic and authorized, (Remarks, Page 13). Examiner respectfully disagrees.

Firstly, a very basic concept taught by Gatto is ensuring that service updates between devices and a central server are authentic and authorized (See Gatto Col. 2. Lines 59-61, where a Certificate Authority is disclosed. See Gatto Col. 8. Lines 61-64 disclosing network communication means for enabling data exchange between the

gaming machine and central server. See Gatto Col. 10. Lines 58-60, disclosing authorization of network operations. See Gatto. Col. 13. Lines 8-22 disclosing that network components (gaming machines) may be controlled by components via LAN or WAN, wherein a module may offer network services for consumption by other modules. See Gatto Col. 13. Lines 64-67 where network devices broadcast packets indicating availability prior to entering into binding protocols in order to establish bi-directional communication with the server. See Gatto Col.15. Lines 23-32 teaching loading of application software into network devices.)

Secondly, Gatto teaches a discovery agent on the gaming network that aids in the aforementioned functionality, (See Col. 15. Lines 54-56 teaching usage of UDDI technology to publish web services and enable software to search for and bind to available services).

Thus, Gatto discloses a discovery agent that authenticates and authorizes services on a gaming network, notwithstanding arguments to the contrary.

Finally, regarding Applicant's arguments that the Office action failed to establish a *prima facie* case of inherency, Examiner respectfully disagrees. The Office action stated that configuration query (claim 9), status query, (claim 10), and device status, (claim 11) are query types inherent to the functionality disclosed by Gatto, as is downloading configuration updates. In light of the extensive discussion above regarding service updates and the discovery agent, the limitations of these claims are taught. Furthermore, Applicant cannot possibly be suggesting that querying and downloading are functions not inherent to network devices. The rudimentary "ping" operation is a

query. Data transfer is either an upload or download, depending on the device sending or receiving data, respectfully.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Gatto (US 6,916,247).

Independent claims 1, 13 and 25:

With respect to claim 1, Gatto discloses features as presented below.

A method for providing a gaming service in a gaming network (Col. 15. Lines 20-30), the method comprising:

Publishing the availability of the service on the gaming network (Figure 19: “Broadcast Availability” & Col. 13. Lines 64-67) utilizing a discovery agent, (Col. 15. Lines 49-56.)

Receiving by the discovery agent a request for the location of the service from a gaming machine coupled to the network (Figures 19 & 20), where examiner respectfully notes that the steps “Broadcast Availability,” “Bind to Device” and “Communication” clearly disclose this limitation.

Registering the gaming machine with the service, (Fig. 20 & Col. 14. Lines 9-32), where it is noted that the server (112) registers (or subscribes) with specialized devices (gaming machines). Thus, the gaming machine is registered with a service.

Processing service requests between the gaming machine and the service, (Figure 19; Col. 15. Lines 45-49; Col. 15. Lines 57-60; Col. 16. Lines 7-11; Col. 18. Lines 4-6.)

Additionally, the examiner notes the following with respect to the claim limitation of specifically, “a gaming **management service**” – A reasonable interpretation of a “management service” extends to any service that monitors and controls aspects of networked devices. Thus, Gatto is directed towards a method for providing a gaming management service in a gaming network, as claimed.

With respect to claim 13, Gatto discloses a gaming network system providing a service (col. 15, lines 20-30), the gaming network system comprising: a service communicably coupled to a gaming network (Fig. 19 & col. 13, lines 64-67); a discovery agent communicably coupled to the gaming network (Fig. 19; col. 15, lines 49-56; col. 15, lines 63-67; col. 16, lines 14-19); and at least one gaming machine communicably coupled to the gaming network (Fig. 1 & col. 5, lines 29-32); wherein the service is operable to: publish the availability of the service to the discovery agent (Fig. 19; col. 13, lines 64-67; col. 15, lines 54-56); receive registration requests from the at least one gaming machine (Fig. 20); and process service requests between the gaming machine and the service (Fig. 19; col. 15, lines 45-49; Col. 15, lines 57-60; col. 16, lines 7-11;

col. 18, lines 4-6). Regarding the specific limitation of a, “a gaming management service,” please refer to the rejection of claim 1, above.

With respect to claim 25, Gatto discloses a computer-readable medium having computer executable instructions (col. 17. lines 15-18) for performing a method for providing a service in a gaming network (col. 15. lines 20-30), the method comprising: publishing the availability of the service on the gaming network with a discovery agent (Fig. 19; col. 13. lines 64-67; Col. 15. Lines 49-56); receiving by the discovery agent a request to register with the service from a gaming machine (Figures 19 & 20); and processing one or more service requests between the gaming machine and the service (Fig. 19; col. 15, lines 45-49; col. 15, lines 57-60; col. 16, lines 7-11; col. 18, lines 4-6). Regarding the specific limitation of a, “a gaming management service,” please refer to the rejection of claim 1, above.

Dependent claims 2-12, 14-24 and 26-36:

With respect to claims 2, 14 and 26, Gatto discloses that the game management service is a web service, (Col. 15. Lines 49-56.)

With respect to claims 3-5, 15-17 and 27-29, Gatto discloses that peripheral devices (gaming machines or video/entertainment/game engines located in the gaming machine) issue service requests (Col. 16. Lines 1-42.) Please note that a plurality of different service types is encompassed by the disclosure of Gatto. Configuration type updates include, for example, the “immediate code upgrade,” (Col. 16. Line 50.) Additionally, the featuring of downloading configurations is inherent with respect to

networked devices. This disclosure combined with the discussion of service requests, as presented with respect to claim 1, fully disclose the claimed limitations.

With respect to claims 6, 18, 30, Gatto discloses that service requestors discover available services and bind to the service providers accordingly, (Col. 15. Lines 57-67.) Additionally, Gatto discloses that peripheral devices (gaming machines) are service requestors, (Col. 16. Lines 5-10.) The process of discovering all available services and subsequently binding to service providers clearly involves status queries.

With respect to claims 7-8, 19-20 and 31-32, Gatto discloses that devices are configured to offer direct asynchronous notification of events to a central server over the communication network, (Col. 2. Lines 37-45 & Figure 20.) Additionally, Gatto discloses that the server may subscribe with the specialized devices (gaming machine) for the list of events that are of interest (interpreted as events matching certain criteria), (Col. 14. Lines 8-32.) Please also note the discussion of “callback,” (Col. 14. Lines 8-32.)

With respect to claims 9-11, 21-23 and 33-35, please refer to the rejection of claims 1-7, above. Please also note that the claimed limitations of a configuration query (claim 9), status query, (claim 10), and device status, (claim 11) are query types inherent to the functionality disclosed by Gatto.

With respect to claim 12, 24 and 36, Gatto discloses a coin acceptor (Figure 2, Item 204) that may be coupled to the network platform (Col. 9. Lines 33-43.)

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omkar A. Deodhar whose telephone number is 571-272-1647. The examiner can normally be reached on M-F 8AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

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Customer Service Representative or access to the automated information system, call
800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OAD

/Corbett Coburn/
Primary Examiner
AU 3714

Application Number 	Application/Control No.	Applicant(s)/Patent under Reexamination	
	10/788,661	BLACKBURN ET AL.	
	Examiner	Art Unit	
	Omkar A. Deodhar	3714	